FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4893/2004

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM:- A.B. CHAUDHARI, J.
DATED :- 06.04.2007.

The present writ petition is directed against the orders dated 9.3.2004 and 10.6.2004 passed below Exh. 56 and 63 in Special Civil Suit No.9/1997 by the Jt. Civil Judge (S.D.), Pusad.

By these orders, the learned Trial Court has exercised discretion in allowing the defendants to file written statement belatedly. The relevant provision has been held to be directory. Shri Narwade, learned Counsel for petitioner vehemently argued that there was a delay of about five years in filing written statement, and hence, cogent reasons were required to be furnished by the defendants before seeking leave to file written statement.

Be that as it may, the Trial Court has in its discretion allowed the defendants to file their written

statement on record. In the writ jurisdiction, I feel that I should not interfere with the impugned orders. The writ petition is, therefore, dismissed. No order as to costs.

JUDGE

ssw